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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,668	04/26/2005	Mikio Totani	30033.0010	4372

7590 03/19/2007  
Hodgson Russ Andrews Woods & Goodyear  
Intellectual Property Practice Group  
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Buffalo, NY 14203

EXAMINER
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TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

**Office Action Summary**

Application No.

10/532,668

Applicant(s)

TOTANI, MIKIO

Examiner

Sameh H. Tawfik

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01292007&amp;04102006</u> .                                   | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the elements clearly, the element numbers are poorly printed. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because is too long; abstract should be brief.

Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: the disclosure should contain of headings in caps; for example "BACKGROUND OF THE INVENTION"; "BRIEF SUMMARY OF THE INVENTION"; etc.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkes (U.S. Patent No. 5,800,325).

Wilkes discloses an apparatus for successively making plastic bags of plastic film, each of the plastic bags having a size, the apparatus comprising: upstream feeding means (Fig. 1; via 15 and 16) by which superposed layers of plastic film are fed intermittently along an upstream feeding path for a length which is N times as much as the size of plastic bag (Figs. 1 and 3) and at a cycle number; heat seal means disposed in the upstream feeding path (via heat sealing 19), the layers of plastic film being heat sealed by the heat seal means whenever being fed intermittently to obtain N times in number of plastic bags (Figs. 1 and 3); downstream feeding means (via rollers 25 and 26) by which the layers of plastic film are fed intermittently along a downstream feeding path for a length corresponding to the size of plastic bag and at a cycle number which is N times as many as the cycle number of the upstream feeding means, after being heat sealed by the heat seal means; a cutter (via 27) disposed in the downstream feeding path, the layers of plastic film being cut by the cutter whenever being fed intermittently; and an accumulator (via roller 24) disposed between the upstream and downstream feeding paths, the layers of plastic film being accumulated temporarily by the accumulator whenever being fed

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intermittently by the upstream feeding means, the layers of plastic film being then supplied from the accumulator whenever being fed intermittently by the downstream feeding means; wherein N is an integer equal to or greater than 2, see for example (Figs. 1 and 3).

Regarding claim 2: further comprising upstream drive means (via M 17) connected to the upstream feeding means and the heat seal means, downstream drive means (via M 28 and M 30) connected to the downstream feeding means and the cutter, and control means (via 21) by which the upstream drive means is controlled so that the upstream feeding means and the heat seal means can be driven and actuated by the upstream drive means (via 29) to be put into operation monitor by the control means, the downstream drive means being controlled by the control means so that the downstream feeding means and the cutter can be driven and actuated by the downstream drive means, at least one of the downstream feeding means and the cutter being stopped or actuated especially by the control means (column 5, lines 35-38) when at least one of the upstream feeding means and the heat seal means is subject to an unusualness of operation so that an operator can recognize the unusualness.

Regarding claim 4: wherein the upstream drive means comprises a main servomotor (via M. 17) and other servomotors (via hydraulic or air cylinders 22), the heat seal means being driven and actuated by the main servomotor (column 4, lines 59-61), the upstream feeding means being driven and actuated by other servomotors (via by M. 17), the main servomotor generating a signal of rotation whenever being rotated, the operation being monitored and confirmed by the signal of rotation (via sensor 20).

Regarding claim 5: wherein the downstream feeding means is delayed starting by a time

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less than one cycle time thereof after the upstream feeding means starting, see for example (Figs. 1 and 3; via 24).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkes (U.S. Patent No. 5,800,325).

Regarding claim 3: further comprising discharge means disposed downstream of the cutter (note that it is inherent a collector will be disposed by the end line of the manufacture, which could be consider as discharge means), the plastic bags being discharged by the discharge means, upstream drive means (via M 17) connected to the upstream feeding means (15 and 16) and the heat seal means, downstream drive means (via M 28 and M 30) connected to the downstream feeding means (25 and 26), the cutter (27), and control means by which the upstream drive means (M 17) is controlled so that the upstream feeding means and the heat seal means can be driven and actuated by the upstream drive means to be put into operation monitored by the control means (via 21), the downstream drive means (M 28 and M 30) being controlled by the control means so that the downstream feeding means, the cutter can be driven and actuated by the downstream drive means.

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Wilkes does not disclose that the downstream drive means controls the discharge means and stop it or actuate it when at least one of the upstream feeding means and the heat seal means is subject to an unusualness of operation so that an operator can recognize the unusualness.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Wilkes's apparatus by having an automated discharge means driven and controlled by a control means, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192.

Regarding claim 6: wherein the upstream drive means comprises a main servomotor and other servomotors, the heat seal means being driven and actuated by the main servomotor (via hydraulic or air cylinders 22), the upstream feeding means being driven and actuated by other servomotors (via M 17), the main servomotor generating a signal of rotation whenever being rotated, the operation being monitored and confirmed by the signal of rotation (via 20).

Regarding claim 7: wherein the downstream feeding means is delayed starting by a time less than one cycle time thereof after the upstream feeding means starting, see for example (Figs. 1 and 3; via 24).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

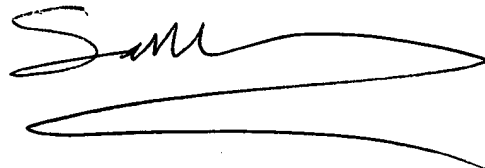


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
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A handwritten signature in dark ink, appearing to read 'Sameh', followed by a long, horizontal, slightly wavy line that extends to the right.

ST.